1	KAMALA D. HARRIS
2	Attorney General of California JANICE K. LACHMAN
_3-	Supervising Deputy Attorney General ANAHITA S. CRAWFORD
	Deputy Attorney General
4	State Bar No. 209545 1300 I Street, Suite 125
5	P.O. Box 944255 Sacramento, CA 94244-2550
6	Telephone: (916) 322-8311
7	Facsimile: (916) 327-8643 Attorneys for Complainant
8	BEFORE THE
9	BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS
10	STATE OF CALIFORNIA
11	In the Matter of the Accusation Against: Case No. 2013 - 217
12	SIERRA CARINE ARMSTRONG 4932 E. Belmont Avenue
13	Fresno, CA 93727 A C C U S A T I O N
14	Registered Nurse License No. 670228
15	Respondent.
16	
17	Complainant alleges:
18	<u>PARTIES</u>
19	1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
20	official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),
21	Department of Consumer Affairs.
22	Registered Nurse License
23	2. On or about December 2, 2005, the Board issued Registered Nurse License Number
24	670228 to Sierra Carine Armstrong ("Respondent"). The registered nurse license was in full
25	force and effect at all times relevant to the charges herein and will expire on May 31, 2013, unless
26	renewed.
27	<i> </i>
28	<i> </i>

5

3

9

11

12 13

14

15

16

17

18

19 20

21

22 23

24 25

26

27

28

STATUTORY PROVISIONS

- Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or aninactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
- 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.
 - 5. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- (a) Unprofessional conduct....,
- (f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.
- 6. Code section 2762 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

- (b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.
- Code section 4022 states:

"Dangerous drug" or "dangerous device" means any drug or device unsafe for self-use in humans or animals, and includes the following: (a) Any drug that bears the legend: "Caution: federal law prohibits dispensing without prescription," "Rx only," or words of similar import. (b) Any device that bears the statement: "Caution: federal law restricts this device to sale by or on the order of a " "Rx only," or words of similar import, the blank to be filled in with the designation of the practitioner licensed to use or order use of the device. (c) Any other drug or device that by federal or state law can be lawfully dispensed only on prescription or furnished pursuant to Section 4006.

COST RECOVERY

8. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

DRUGS AT ISSUE

- Valium, a brand name of diazepam, is a Schedule IV controlled substance as designated by Health and Safety Code section 11057, subdivision (d)(9).
- Oxycodone, is a Schedule II controlled substance as designated by Health and Safety Code section 11055, subdivision (b)(1)(M).
- "Fentanyl" is a Schedule II controlled substance as designated by Health and Safety Code section 11055, subdivision (c)(8).
- Soma, a brand name for carisoprodol, is a dangerous drug within the meaning of Code section 4022, in that its procurement requires a prescription.
- Tramadol, the generic form of Ultram, is a dangerous drug within the meaning of Code section 4022, in that its procurement requires a prescription

FIRST CAUSE FOR DISCIPLINE

(Criminal Conviction)

- 9. Respondent has subjected her license to discipline pursuant to Code section 2761, subdivision (f) in that Respondent has been convicted of the following crime that is substantially related to the qualifications, functions, and duties of a registered nurse:
- a. On or about May 31, 2011, in the Superior Court, Metropolitan Justice Building, County of Kern, California, in the matter entitled *People vs. Sierra Carine Armstrong*, 2010, Case BM769871A, Respondent was convicted following her plea of nolo contendere to a violation of Vehicle Code section 23103, subdivision (a) (reckless driving), a misdemeanor. The circumstances of the crime are that on or about May 11, 2010, Respondent was arrested for driving under the influence of drugs following a traffic collision. Respondent admitted to officers that she was under the influence of numerous dangerous drugs/ controlled substances, that she

had been ingesting the medications for 7 years and did not feel the effects of them on the day of the incident. On the date of the incident, Respondent stated that she took 3 Oxcycodone, 2 Soma, 1 Valium, 4 Tramadol and was wearing her Fentanyl Patch.

SECOND CAUSE FOR DISCIPLINE

(Use Controlled Substances to an Extent or in a Manner Dangerous or Injurious)

10. Respondent has subjected her license to discipline pursuant to Code section 2761, subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762, subdivision (b), in that on or about May 11, 2010, Respondent used controlled substances to an extent or in a manner dangerous or injurious to herself or others.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 1. Revoking or suspending Registered Nurse License Number 670228, issued to Sierra Carine Armstrong;
- 2. Ordering Sierra Carine Armstrong to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
 - 3. Taking such other and further action as deemed necessary and proper.

DATED: Sofrembox 26, 2012

LOUISE R. BAILEY, M.ED., RN

Executive Officer

Board of Registered Nursing

Department of Consumer Affairs

State of California

Complainant

SA2012105443 10910845.doc